

REMARKS

In the Office Action the Examiner objects to the drawings under 37 CFR 1.84(p)(4) because reference character 124 is used to designate both promotional metadata and the data carousel. Submitted herewith is an amended drawing sheet that includes the corrected reference character; no new matter has been added. The Amendment to the specification submitted herewith incorporates the corrected reference character into the relevant paragraphs from the specification, thereby satisfying the Examiner's objection and harmonizing the specification and figures.

According to the present Office Action, the Examiner has rejected claims 1, 3, 5, 7 through 9, 11 through 12 and 14 through 15 under 35 USC 102(e) as being clearly anticipated by U.S. Patent No. 6,317,885 ("Fries"). Claims 2 and 10 were rejected under 35 USC 103(a) as obvious over Fries, whereas claims 4, 6 and 13 were also rejected under 103(a) as obvious over Fries in view of "TV Anytime as an Application Scenario for MPEG-7" by Pfeiffer and Srinivasan ("TV Anytime").

Claim 1 of the present invention is directed to a method for allowing access to interactive features of an electronic program guide by a user from within a broadcast advertisement. The method of claim 1 comprises the steps of receiving the broadcast advertisement comprising audio, video and promotional metadata over a broadcast distribution network and analyzing the promotional metadata to determine one or more valid electronic program guide features. Options are presented on a display device corresponding to the one or more valid electronic program guide features, allowing the user to execute a valid electronic program guide feature.

Fries, by contrast, fails to teach or suggest any of the elements of claim 1. Fries discusses an interactive entertainment and information system using a television set-top box, wherein pages of information are periodically provided to the set-top box for user interaction therewith. Abstract. The user utilizes the set-top box to enter and interact with an Information Service through a browser that is downloaded to the memory of the set-top box, along with APIs for interfacing the browser to the set-top's operating system. Col. 6, lines 35-39. The user, or subscriber, tunes to a specified channel reserved for the Information Service and the browser provides the subscriber with a page image. Col. 6, lines 43-47. The browser reads the page meta-data, which includes a record for each element on the page. Each element record includes information such as the geometry of focus for that element and other information specific to that element. Col 10, lines, 34-39.

Each page image of Fries is a single MPEG-2 video sequence consisting of a single I-Frame image of a rendered HTML page wherein each group of nine image pages, which correspond to a distinct program, is mapped to a single digital channel. Col. 19, lines, 30-33. A conversion process converts the page into an intermediate page format to reduce the amount of processing that needs to be performed by the processor. For example, rather than have the cable end processor dynamically calculate from an HTML page layout where to jump in response to a cursor key, the jump is pre-decided and stored in the intermediate page format, e.g., as meta-data. Col. 20, lines 23-32. The meta-data contains the information necessary for the browser to render focus on the links on the page corresponding thereto, in addition to containing information for selecting a new page image when the user selects a link, gather form input from a subset of HTML form elements and/or post form input for deferred processing. Col. 22, line 61 – Col. 23, line 3.

The Examiner asserts that Fries discloses receiving a broadcast advertisement comprising audio, video and promotional metadata over a broadcast distribution network. Fries, however, only discusses distributing information pages and associated metadata in response to a user request such as tuning to an Information Service channel. Totally absent is any teaching or suggestion of receiving a broadcast advertisement and promotional metadata. Fries solely discusses the distribution of information pages, which are processed HTML pages retrieved from a source such as the Internet, which are associated with meta-data that describes the structure, contents and allowable navigation within and between pages. Col. 4, lines 23-25 and Col. 22, line 61 – Col. 23, line 3. The information pages of Fries are essentially HTML web pages that are converted to a single frame MPEG video still and associated with metadata, not broadcast advertisements with promotional metadata as claimed by independent claim 1.

Fries also fails to suggest providing interactivity in a broadcast environment. The information pages of Fries, which are essentially HTML pages with associated metadata, must be requested by a user and delivered to a set-top terminal – essentially a “pull” environment. Providing access to interactive features of an EPG in a broadcast environment as claimed, however, provides a unique set of challenges whereby metadata is distributed to all viewers regardless of whether or not they have any interest in the information, e.g., a push environment. In other words, the present invention as claimed provides interactive features in an otherwise non-interactive environment. Fries, therefore, fails to suggest using promotional metadata with a broadcast advertisement to allow access to interactive features of an electronic program guide within the broadcast advertisement.

Fries also fails to teach or suggest the step of analyzing the promotional metadata to determine one or more valid electronic program guide features and presenting options on a

display device corresponding to the one or more valid electronic program guide features.

According to Fries, the browser presents the information page and reads the metadata to determine how to adjust the focus of a cursor in response to user input, such as pressing a directional cursor, or take a given action. Col. 7, lines 12-21. Because Fries transmits information pages, e.g., modified HTML and associated metadata, it also contains functionality that allows the user to navigate within and among information pages. To accomplish this end, Fries draws focus on the first page element listed in a FocussDescriptor list in the metadata. Drawing focus on a web page, however, is not analogous to presenting electronic program guide features on a display device. Totally absent from Fries is any teaching or suggestion to present any data to the user outside the scope of HTML pages and related navigational cues; certainly no teaching of analyzing promotional metadata to determine valid EPG features which are presented to a user.

Finally, the Examiner asserts that Fries teaches executing a valid electronic program guide feature selected by the user. The passages of Fries that the Examiner cites discuss how to handle commands outside those that are specifically enumerated. According to Fries, the command can be treated like a channel selection (exiting the service) or just ignored. Col. 8, lines 7-9. By contrast, the invention as claimed in claim 1 is directed to a method of allowing access to interactive features of an EPG from within a broadcast advertisement; there is no need to exit the service or ignore commands as indicated by Fries because the method takes place within the context of the broadcast advertisement and presents the user with one or more valid EPG features that they may access. Furthermore, Fries appears to teach away from the present invention by stating that a user must navigate away from programming on a specific channel to view a specific information page that corresponds to the channel. Col. 7, lines 34-39.

Fries clearly fails to anticipate claim 1 of the present application as it fails to teach or suggest any elements of the claim. Additionally, the Examiner has indicated that independent claims 14 and 15 are rejected as anticipated on the same grounds as independent claim 1. As independent claims 14 and 15 essentially recast the elements of claim 1 as computer readable media and systems claims, respectively, Applicants contend that claims 14 and 15 are also allowable over Fries for at least those reasons presented in support of claim 1. Withdrawal of the rejection of claims 1, 14 and 15 as anticipated by Fries is respectfully requested.

In rejecting independent claim 13, the Examiner asserts that Fries teach all of the claimed elements of independent claim 1 with the exception of parsing the promotional metadata to determine the one or more valid EPG features that are available, which is taught by TV Anytime. TV Anytime contains suggestions on how MPEG-7 can accomplish the metadata requirements for the TV Anytime platform. More specifically, MPEG-7 is concerned with the creation of generic descriptions of video and audio material usable in a wide range of audio-visual applications, whereas TV Anytime seeks to develop a framework to incorporate these standards.

Even assuming that TV Anytime includes an XML schema processor as the Examiner suggests, there is no teaching or suggestion of the XML schema parser being used to parse promotional metadata to determine the one or more valid electronic program guide features available within a broadcast advertisement. Furthermore, TV Anytime only discusses that MPEG-7 is used to create generic descriptions of audio and video materials and not to create one or more electronic program guide features that may be accessed from within a broadcast advertisement.

Moreover, there is nothing in either Fries or TV Anytime to suggest combining the references, as Fries discusses techniques for providing interactivity through the use of HTML pages and metadata indicating the navigation features available in the page whereas TV Anytime teaches the use of metadata according to MPEG-7 to provide generic descriptions of audio and video materials. Because Fries fails to teach or suggest the elements of claim 13, which are discussed above with regard to claim 1, the combination of Fries and TV Anytime fails to teach or suggest every element of independent claim 13. Independent claim 13, therefore, should not be considered obvious in view of these references.

The dependent claims of the present application contain additional features that further substantially distinguish the invention of the present application over the prior art of record. Given the applicants' position on the patentability of the independent claims, however, it is not deemed necessary at this point to delineate such distinctions.

For at least all of the above reasons, Applicants respectfully request that the Examiner withdraw all rejections, and allowance of all the pending claims is respectfully solicited. To expedite prosecution of this application to allowance, the examiner is invited to call the applicants' undersigned representative to discuss any issues relating to this application.


Respectfully submitted,

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